



March 17, 2022

TO: ALL INTERESTED PERSONS
FROM: Heather Halsey, Executive Director *H.H.*
RE: Second Revised Notice and Agenda

On Friday, March 25, 2022, the Commission on State Mandates (Commission) will conduct its next regular meeting and hearing at 10:00 a.m. via Zoom.

Please note the following revisions: NEW WEBINAR APPOINTMENT LINK, WEBINAR ID, AND PASSCODE FOR THE MARCH 25, 2022 COMMISSION MEETING. Please take note of the new webinar appointment link, Webinar ID, and Passcode to participate in the March 25, 2022 Commission meeting. The two options for joining the meeting via Zoom have been updated below: (1) Zoom link, Webinar ID, and Passcode; (2) Landline Numbers and Conference Code.

On January 5, 2022, Governor Newsom signed Executive Order N-1-22 to temporarily extend the flexibilities for state bodies to conduct teleconferences, temporarily suspending the sunset dates of Statutes 2021, Chapter 165 (AB 361) in Government Code section 11133(g) from January 31, 2022 to March 31, 2022. Accordingly, requiring the physical presence of board members at meetings and providing a physical space for members of the public to observe and participate have been suspended until further notice, so long as the agency makes it possible for members of the public to observe and address the meeting remotely, for example, via web or audio conferencing such as Zoom. (Gov. Code, § 11133, as added by Stats. 2021, ch. 165; Executive Order N-1-22.)

The Commission is committed to ensuring that its public meetings are accessible to the public and that the public has the opportunity to observe the meeting and to participate by providing written and verbal comment on Commission matters. **If you want to speak during the hearing, you must use the "Raise Hand" feature in order for our moderators to know you need to be unmuted. If you are participating by phone, you may dial *9 to use the "Raise Hand" feature.**

There are two options for joining the meeting via Zoom:

1. Through the link below you can listen and view through your desktop, laptop, tablet, or smart phone. This will allow you to view documents being shared as well. (You are encouraged to use this option.)

<https://us06web.zoom.us/j/85293492780?pwd=WnA1b1RZQjNXSlZhc2xyUTRSS09vUT09>

Webinar ID: 852 9349 2780

Passcode: 717730

2. Through your landline (or non-smart mobile) phone, any number works. You will be able to listen to the proceedings but will not be able to view the meeting or any documents being shared.

USA 216 706 7075 US Toll

USA 866 390 1828 US Toll-free

Conference code: 155007

During this extraordinary time, we ask that you remain patient with us. Please don't hesitate to reach out to us for help with technical problems at csminfo@csm.ca.gov or 916 323-3562.

Testimony at the Commission Hearings. If you plan to address the Commission on an agenda item, please notify the Commission Office **not later than noon on the Wednesday prior to the hearing**. Please also include the names and email addresses of the people who will be speaking for inclusion on the witness list and so that Commission staff can provide them with detailed instructions regarding how to participate as a party in this meeting on Zoom. When calling or emailing, identify the item you want to testify on and the entity you represent. The Commission Chairperson reserves the right to impose time limits on presentations as may be necessary to complete the agenda.

If you plan to file any written document for Commission member review, please note that Commission staff will include written comments filed at least 15 days in advance of the hearing in the Commissioners' hearing binders. Additionally, staff will transmit written comments filed between 15 and five days prior to a meeting to the Commission members, if possible. However, comments filed at the meeting or less than five days prior to a meeting or at the meeting will not be included in the Commissioners' hearing binders. Due to the meeting being remote, in lieu of the commenter providing 12 paper copies of the comments at the meeting for such late filings (Cal. Code Regs., tit. 2, § 1181.10(b)(1)), please file the PDF document or section of the PDF document via the Commission's dropbox at <https://csm.ca.gov/dropbox.php> prior to the hearing.

Agenda Materials. Agenda materials are available at the Commission office, located at 980 Ninth Street, Suite 300, Sacramento, California 95814 during regular business hours by appointment only, with a two-business day advance notice. However, members of the public who have access to the internet are urged to obtain these materials online rather than by visiting the Commission's physical office, to reduce potential exposures and reduce the spread of COVID-19. For an in-person appointment at the Commission's office you must: wear a face covering (if you do not have one, one will be provided by Commission staff); physically distance; and, cancel or postpone your appointment if you have had COVID-19 symptoms in the last 72 hours, have had close personal contact with a person who has tested positive for COVID-19, or if you are unvaccinated and have travelled or participated in a large social gathering in the last 10 days. Please call (916) 323-3562 or email at csminfo@csm.ca.gov for an appointment. All supporting documentation for items on the agenda for the public portion of Commission meetings is available for public inspection on the Commission's website at <https://www.csm.ca.gov/agendas/032522.php>.

Website. Agenda items are available on the Commission's website at www.csm.ca.gov. After reaching the site's home page, click on "Hearings" on the top of the page for the hearing agenda. Generally, Commission staff upload the items two weeks before the meeting and they may be accessed from links on the agenda. If an item on this agenda is postponed prior to the meeting, notice will be posted on a revised agenda. Following the meeting, staff will post Commission actions on the Commission's website and will serve and post the adopted decisions within 10-days of the meeting.

To find the adopted minutes and transcripts of Commission meetings since January 2004 on the website in PDF format, click "Hearings" on the top of the home page.

Reasonable Accommodation. Any person requesting accommodations in accordance with the Americans with Disabilities Act or for language assistance, please contact the Commission office as soon as possible but at least five to seven *working* days prior to the meeting.

AGENDA¹
Meeting of the Commission on State Mandates via Zoom

Friday, March 25, 2022
10:00 a.m.

Reminder: *Commission staff includes written comments filed at least 15 days in advance of the hearing in the Commissioners' hearing binders. If you plan to testify and would like the Commissioners to review any document not filed 15 days in advance of the hearing, please file the PDF document via the Commission's dropbox at <https://csm.ca.gov/dropbox.php> prior to the hearing.*

I. CALL TO ORDER AND ROLL CALL

II. LITIGATION SUBCOMMITTEE APPOINTMENT (action)

Item 1 Staff Report

III. APPROVAL OF MINUTES (action)

Item 2 January 28, 2022

IV. PUBLIC COMMENT FOR MATTERS NOT ON THE AGENDA (info)

Please note that the Commission may not take action on items not on the agenda. However, it may schedule issues raised by the public for consideration at future meetings.

V. PROPOSED CONSENT CALENDAR FOR ITEMS PROPOSED FOR ADOPTION ON CONSENT PURSUANT TO CALIFORNIA CODE OF REGULATIONS TITLE 2, ARTICLES 7 AND 8 (action)

If there are no objections to any of the following action items designated by an asterisk (*), the Executive Director will include each one on the Proposed Consent Calendar that will be presented at the hearing. The Commission will determine which items will remain on the Consent Calendar.

VI. HEARINGS AND DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, ARTICLE 7 (GOV. CODE, § 17551, 17557, 17559, and 17570) (action)

A. APPEALS OF EXECUTIVE DIRECTOR DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1181.1(c) (info/action)

Item 3 Appeal of Executive Director Decisions

Note: This item will only be taken up if an appeal is filed and set for this hearing.

B. INCORRECT REDUCTION CLAIMS

Item 4 *Municipal Storm Water and Urban Runoff Discharges, 19-0304-I-03*
Los Angeles Regional Water Quality Control Board Order No. 01-182;
Permit CAS004001, Part 4F5c3

¹ This public meeting Notice and Agenda is available on the Commission's website at www.csm.ca.gov.

Fiscal Years: 2002-2003, 2003-2004, 2004-2005, 2005-2006, 2006-2007, 2007-2008, and 2008-2009

City of Arcadia, Claimant

VII. HEARINGS ON COUNTY APPLICATIONS FOR FINDINGS OF SIGNIFICANT FINANCIAL DISTRESS PURSUANT TO WELFARE AND INSTITUTIONS CODE SECTION 17000.6 AND CALIFORNIA CODE OF REGULATIONS, TITLE 2, ARTICLE 2 (info/action)

Item 5 Assignment of County Application to Commission, a Hearing Panel of One or More Members of the Commission, or to a Hearing Officer

Note: This item will only be taken up if an application is filed.

VIII. INFORMATIONAL HEARINGS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, ARTICLE 8 (action)

A. ADOPTION OF ORDER TO INITIATE EMERGENCY RULEMAKING

Item 6* Emergency Electronic Signature (Order 22-02), Proposed Amendments to California Code of Regulations, Title 2, Division 2, Chapter 2.5, Article 1

B. ADOPTION OF ORDER TO INITIATE RULEMAKING

Item 7* Electronic Signature (Order 22-03), Proposed Amendments to California Code of Regulations, Title 2, Division 2, Chapter 2.5, Articles 1, 2, 3, 5, 6 and 7

C. ADOPTION OF ORDER TO INITIATE RULEMAKING

Item 8* Conflict of Interest (Order 22-01), Proposed Amendments to California Code of Regulations, Title 2, Division 2, Chapter 2.5, Article 9

D. REPORTS (info/action)

Item 9 Legislative Update (info)

Item 10 Chief Legal Counsel: New Filings, Recent Decisions, Litigation Calendar (info)

Item 11 Executive Director: Budget, Workload Update, and Tentative Agenda Items for the May 2022 and July 2022 Meetings (info)

IX. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126 AND 11126.2 (info/action)

A. PENDING LITIGATION

To confer with and receive advice from legal counsel, for consideration and action, as necessary and appropriate, upon the following matters pursuant to Government Code section 11126(e):

Trial Courts:

None

Courts of Appeal:

1. ***On Remand from the Third District Court of Appeal, Case No. C070357 State of California Department of Finance, State Water Resources Control Board, and California Regional Water Quality Board, San Diego Region v. Commission***

on State Mandates and County of San Diego, et al. (petition and cross-petition)
Third District Court of Appeal, Case No. C092139
Sacramento County Superior Court Case No. 34-2010-80000604
[*Discharge of Stormwater Runoff*, Order No. R9-207-000 (07-TC-09), California
Regional Water Control Board, San Diego Region Order No. R9-2007-001,
NPDES No. CAS0108758, Parts D.1.d.(7)-(8), D.1.g., D.3.a.(3), D.3.a.(5), D.5,
E.2.f, E.2.g, F.1, F.2, F.3, I.1, I.2, I.5, J.3.a.(3)(c) iv-vii & x-xv, and L]

2. *City of San Diego v. Commission on State Mandates, State Water Resources
Control Board, Department of Finance*
Third District Court of Appeal, Case No. C092800
Sacramento County Superior Court, Case No. 2019-80003169
(*Lead Sampling in Schools: Public Water System No. 3710020 (17-TC-03)*)
3. *County of San Diego v. Commission on State Mandates, Department of Finance,
State Controller*
Fourth District Court of Appeal, Case No. D079742
San Diego County Superior Court, Case No. 37-2020-00009631-CU-WM-CTL
(*Youth Offender Parole Hearings (17-TC-29)*)

California Supreme Court:

1. *Coast Community College District, et al. v. Commission on State Mandates*,
California Supreme Court, Case No. S262663
(Petition for Review Filed June 10, 2010)
Third District Court of Appeal, Case No. C080349
Sacramento County Superior Court, Case No. 34-2014-80001842
[*Minimum Conditions for State Aid*, 02-TC-25/02-TC-31
(Education Code Sections 66721, 66721.5, 66722, 66722.5, 66731, 66732, 66736,
66737, 66738, 66740, 66741, 66742, 66743, 70901, 70901.5, 70902, 71027,
78015, 78016, 78211.5, 78212, 78213, 78214, 78215, 78216, 87482.6, and
87482.7; Statutes 1975, Chapter 802; Statutes 1976, Chapters 275, 783, 1010, and
1176; Statutes 1977, Chapters 36 and 967; Statutes 1979, Chapters 797 and 977;
Statutes 1980, Chapter 910; Statutes 1981, Chapters 470 and 891; Statutes 1982,
Chapters 1117 and 1329; Statutes 1983, Chapters 143 and 537; Statutes 1984,
Chapter 1371; Statutes 1986, Chapter 1467; Statutes 1988, Chapters 973 and
1514; Statutes 1990, Chapters 1372 and 1667; Statutes 1991, Chapters 1038,
1188, and 1198; Statutes 1995, Chapters 493 and 758; Statutes 1998, Chapter 365,
914, and 1023; Statutes 1999, Chapter 587; Statutes 2000, Chapter 187; and
Statutes 2002, Chapter 1169; California Code of Regulations, Title 5, Sections
51000, 51002, 51004, 51006, 51008, 51012, 51014, 51016, 51018, 51020, 51021,
51022, 51023, 51023.5, 51023.7, 51024, 51025, 51027, 51100, 51102, 53200,
53202, 53203, 53204, 53207, 53300, 53301, 53302, 53308, 53309, 53310, 53311,
53312, 53314, 54626, 54805, 55000, 55000.5, 55001, 55002, 55002.5, 55004,
55005, 55006, 55100, 55130, 55150, 55160, 55170, 55182, 55200, 55201, 55202,
55205, 55207, 55209, 55211, 55213, 55215, 55217, 55219, 55300, 55316,
55316.5, 55320, 55321, 55322, 55340, 55350, 55401, 55402, 55403, 55404,
55500, 55502, 55510, 55512, 55514, 55516, 55518, 55520, 55521, 55522, 55523,
55524, 55525, 55526, 55530, 55532, 55534, 55600, 55601, 55602, 55602.5,
55603, 55605, 55607, 55620, 55630, 55750, 55751, 55752, 55753, 55753.5,
55753.7, 55754, 55755, 55756, 55756.5, 55757, 55758, 55758.5, 55759, 55760,

55761, 55762, 55763, 55764, 55765, 55800, 55800.5, 55801, 55805, 55805.5, 55806, 55807, 55808, 55809, 55825, 55827, 55828, 55829, 55830, 55831, 58102, 58104, 58106, 58107, 58108, 59404, and 59410; Handbook of Accreditation and Policy Manual, Accrediting Commission for Community and Junior Colleges (Summer 2002); and “Program and Course Approval Handbook” Chancellor’s Office California Community Colleges (September 2001).]

B. POTENTIAL LITIGATION

To confer with and receive advice from legal counsel, for consideration and action, as necessary and appropriate, upon the following matter pursuant to Government Code section 11126(e):

Based on existing facts and circumstances, there is a specific matter which presents a significant exposure to litigation against the Commission on State Mandates, its members or staff.

C. PERSONNEL

To confer on personnel matters pursuant to Government Code section 11126(a)(1).

RECONVENE IN PUBLIC SESSION

X. REPORT FROM CLOSED EXECUTIVE SESSION

ADJOURNMENT

Heather Halsey, Executive Director
980 Ninth Street, Suite 300
Sacramento, CA 95814

Email: heather.halsey@esm.ca.gov

For information regarding this agenda, please contact:

Heidi Palchik
(916) 323-3562

TO RECEIVE NOTICES AND AGENDAS FOR COMMISSION MEETINGS AND HEARINGS ELECTRONICALLY, SUBSCRIBE BY VISITING THE COMMISSION’S WEBSITE AT WWW.CSM.CA.GOV AND CLICKING ON THE “AGENDA MAILING LIST” LINK ON THE RIGHT SIDE OF THE PAGE.

NEW FILINGS

January 3, 2022 through March 17, 2022

Date Filed	Claimant/Requester	Description
12/22/21 Notice of Complete Test Claim issued 2/3/22	County of Los Angeles	<i>Juveniles: Custodial Interrogation, 21-TC-01</i>
1/14/22 Notice of Opportunity to File Written Comments on Proposed Dismissal of Test Claim issued 2/22/22	Turlock Irrigation District and Modesto Irrigation District	<i>Floodplain Restoration Condition (no. 12) of Water Quality Certification for Turlock Irrigation District and Modesto Irrigation District – Don Pedro Hydroelectric Project and La Grange Hydroelectric Project, 21-TC-02</i>